

REMARKS

Upon entry of the present Amendment B, claims 1-14 are pending in the application, of which claims 1 and 11 are independent. Claims 11-14 are withdrawn as a result of a Restriction Requirement. Claims 1, 4 and 7 are amended herein.

The Examiner in charge of the subject application was sent a proposed version of the claims of the subject application as amended by applicant based on a telephonic interview with the Examiner on July 29, 2005. The applicant thanks the Examiner for his helpful remarks and suggestions regarding the present amendment to the claims of the subject application.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. The applicant respectfully submits that all of the above amendments are fully supported by the original application. The applicant also respectfully submits that the above amendments do not introduce any new matter into the application. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

IN THE CLAIMSClaim Objections

At item 3 of the Office Action, the Examiner objected to claim 4 because of an improper dependency and because the word "tab" was misspelled. Claim 4 is amended herein to depend from claim 1 and to correct the misspelled word to recite "tab" rather than "tap". Claim 4 has also been amended to recite that the projecting tabs positioning projections fit nestingly between

the ~~tab~~ tab stops and the dependent ridge. By these amendments, the objection to claim 4 has been overcome.

**Claim Rejections – 35 USC 112**

At item 5 of the Office Action, the Examiner rejected claim 4 under 35 USC 112, second paragraph as being indefinite. In particular, the Examiner notes that the term “projecting tabs” is not disclosed in the specification. The applicant has amended claim 4 to change “projecting tabs” to --positioning projections--. This term is clearly disclosed in the specification and has positive antecedent basis in claim 1.

**Claim Rejections – 35 USC 102**

At item 7 of the Office Action, the Examiner has rejected claims 1-3, 5, and 7-10 under 35 USC 102(e), as being anticipated by Menard et al (US 6,544,085). In the rejection, the Examiner states that Menard discloses a removable ride plate 16 having a pair of integral, left and right first positioning projections 76, and a pair of left and right second positioning projections (noted in a reproduced and annotated version of Fig. 4), where both the first and second positioning projections project upwardly at front portion of the ride plate, and have horizontally disposed and upward facing front faces for contacting tabs stops formed in a watercraft body (Fig. 6B).

Upon review of Menard, the applicant finds that a closed-circulating coolant system is disclosed which includes heat exchanger formed in a plate-like configuration which is also acts as a ride plate. The heat exchanger-ride plate is mounted on the underside of the stern portion of the hull to form the impeller tunnel. The structures referred to as positioning projections by the Examiner correspond to screw or bolt receiving bosses 76 and vertically extending reinforcing

rib structures (not numbered), both of which extend upward from an upper surface of the rider plate 16. The Examiner refers to an upper surface of these structures which confronts the underside of the hull as the claimed "front faces for contacting said craft body", and correspondingly interprets the under side of the hull as forming the claimed left and right tab stops which confront the front faces of the positioning projections.

The applicant respectfully disagrees that the disclosure of Menard anticipates the claimed invention since the bosses and reinforcing ribs of Menard are formed on an upper surface of the rider plate 16 rather than a front surface thereof, as claimed by the applicant. However, in order to further promote the prosecution of the application, the applicant has amended claim 1 herein to more clearly recite the orientation of the positioning projections with respect to the personal watercraft. Specifically, claim 1 has been amended to recite that the front faces of the positioning projections are vertically oriented, and further that a pair of left and right tab stops are formed in the hull of the craft body of the watercraft, such that the pair of tab stops contact the vertically oriented front faces of the positioning projections when the ride plate is installed on the craft body, as suggested by the Examiner. This orientation is clearly not anticipated by the invention of Menard.

With respect to claims 2 and 3, the Examiner notes that the ride plate comprises an arresting member (adjacent 72 in Figs. 4 and 6B) extending outwardly at the front end and narrower than the widest part of the ride plate. The Examiner interprets the arresting member as extending vertically higher than a central longitudinally extending rib, and is therefore considered to be an elevated member at least with respect to the central rib and the middle section of the plate in which the rib is disposed.

The applicant respectfully disagrees with the rejection of claims 2 and 3. Although the

applicant agrees that, as broadly claimed, that one of the two projections of Menard bracketing the vacant space 72 could be interpreted as the arresting member, the applicant respectfully submits that the disclosure of Menard does not anticipate the features recited in claim 1 from which claims 2 and 3 depend. Thus, claims 2 and 3 are not anticipated by the disclosure of Menard.

In a similar fashion, the applicant respectfully disagrees with the rejection of claim 5. That is, the disclosure of Menard does not anticipate the features recited in claim 1 from which claim 5 depends, and thus claim 5 is not anticipated by Menard.

With respect to claims 7 and 8, the Examiner states that the second positioning projections have flattened front faces that are substantially vertically oriented, and have a substantially rectangular horizontal cross sectional shape.

As regards claim 7, the applicant has amended claim 7 to remove the requirement that the front faces be substantially vertically oriented, since this limitation has been included in the above discussed amendment to independent claim 1, from which claim 7 depends, again as suggested by the Examiner. Thus, the disclosure of Menard does not anticipate the features recited in claim 1 from which claim 7 depends, and thus claim 7 is not anticipated by Menard.

As regards claim 8, the applicant respectfully disagrees that the horizontal cross sectional shapes of the cylindrical bosses 76 are rectangular, but agrees that the reinforcing rib structures provide the claimed cross sectional shape. The applicant agrees that Menard discloses at least one rib extending across an upper surface thereof, and further agrees that plural spaced apart raised ribs are disclosed on an upper surface thereof. However, the applicant disagrees with this rejection since Menard does not disclose all the features recited in the base claim, as discussed above with respect to claim 1.

With respect to claims 9 and 10, the Examiner states that the ride plate comprises a plurality of spaced-apart raised ribs extending transversely across an upper surface of the plate (Fig. 13).

The applicant agrees that Menard discloses at least one rib extending across an upper surface thereof, and further agrees that plural spaced apart raised ribs are disclosed on an upper surface thereof. However, the applicant disagrees with the rejection of claims 9 and 10 since Menard does not disclose all the features recited in the base claim, as discussed above with respect to claim 1.

Claim rejections -- 35 USC 103

The Examiner has rejected claim 6 under 35 USC 103(a) as being unpatentable over Menard et al (US 6,544,085) in view of Ohtuka (US 5,894,087). The Examiner states that Menard shows a removable ride plate mounted under a stern opening of a watercraft, but fails to show the plate being received in spaced apart stepped recesses formed at the sides of the watercraft opening. The Examiner further states that Ohtuka shows a watercraft having a stern opening with spaced apart stepped recesses formed at the sides of the watercraft opening, and a ride plate received within the stepped recesses (Fig. 14), and that it would have been obvious to modify the hull opening of Menard to have the spaced apart stepped recesses formed at the sides of the watercraft opening as taught by Ohtuka, since such an arrangement provides a streamlined flow along the hull surface, and firmly secured the ride plate to the hull.

Upon review of Ohtuka, the applicant finds that Ohtuka discloses a personal watercraft including a ride plate 296 mounted on the underside of the watercraft hull 16 so as to cover a lower opening of a pump chamber. The Ohtuka disclosure is particularly directed to mounting a speed sensor 304 to the ride plate adjacent a forward edge thereof such that the sensor 304,

mounted to the chamber wall, extends downward through an aperture 300 formed in the ride plate 296. The ride plate of Ohtuka is disclosed as bolted to the lower hull 16 so as to blend with the rear inclined sections 194 of the hull 16 (col. 15, lines 21-23).

The applicant respectfully disagrees with this rejection since Menard does not anticipate all the features recited in base claim 1 as discussed above. Moreover, the teaching of Ohtuka to modify the hull opening of Menard to have the spaced apart stepped recesses formed at the sides of the watercraft opening do not cure the deficiencies of Menard with respect to base claim 1.

In addition, the applicant respectfully disagrees that it would have been obvious to modify the hull opening of Menard to have the spaced apart stepped recesses formed at the sides of the watercraft opening as taught by Ohtuka. The applicant submits that mounting of the heat exchanger-rider plate of Menard within a recess would negatively impact its function as a heat exchanger since the cooling fins would not extend below the surface of the hull, but would instead be retracted upward within the lee of the hull step 192 (see Figs. 13 and 14) away from the flow of water across the hull of the watercraft. The applicant notes that Ohtuka teaches extending the lower end of the speed sensor 304 down below the lower edge of the rider plate 296 to permit it to extend into the water flow (col. 16, lines 29-30). Although Ohtuka teaches a recessed rider plate, the applicant respectfully asserts that modification of Menard according to this teaching of Ohtuka would not be obvious due to its adverse effect on the proper function of the heat exchanger of Menard.

#### CONCLUSION

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether

considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

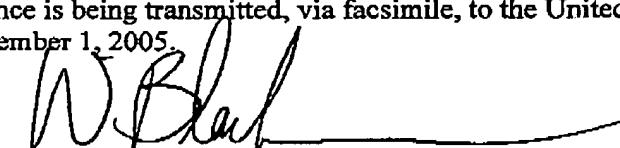


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WDB/kmm